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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/720,938	11/24/2003	Robert A. Chingon	03-1028	5260

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VERIZON  
PATENT MANAGEMENT GROUP  
1515 N. COURTHOUSE ROAD, SUITE 500  
ARLINGTON, VA 22201-2909

EXAMINER
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ADDY, THJUAN KNOWLIN

ART UNIT	PAPER NUMBER
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2614

NOTIFICATION DATE	DELIVERY MODE
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02/07/2008

ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

patents@VERIZON.COM

**Office Action Summary**

Application No.

10/720,938

Applicant(s)

CHINGON ET AL.

Examiner

Thjuan K. Addy

Art Unit

2614

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 13 November 2007.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-49 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-49 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 November 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f)..
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>10/23/2007 and 01/16/2008</u> . | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Response to Amendment*

1. Applicant's amendment filed on November 13, 2007 has been entered. No claims have been amended. No claims have been cancelled. No claims have been added. Claims 1-49 are still pending in this application, with claims 1, 10, 17, 26, 27, 28, 29, 38, 45, 46, 47, 48, and 49 being independent.

### *Claim Rejections - 35 USC § 101*

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

2. Claims 29-44 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

3. Applicant's specification (See pg. 46, paragraph [0120]) defines computer-readable media as "a **carrier wave** received from a network such as the Internet". When nonfunctional descriptive material is recorded on some computer-readable medium, in a computer or on a electromagnetic carrier signal, it is not statutory since no requisite functionality is present to satisfy the practical application requirement. Merely claiming nonfunctional descriptive material stored in a computer-readable medium, in a computer, or on a electromagnetic carrier signal does not make it statutory.

4. Furthermore, independent claims 29 and 38 recite "A computer-readable medium containing instructions for performing a method for screening a call..." However, in order to be in proper format, and to contain acceptable language, claims 29 and 38 should recite "A computer-readable medium **encoded with instructions capable of being executed by a computer** for performing a method for screening a call..."

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1-49 are rejected under 35 U.S.C. 102(e) as being anticipated by Huang (US Patent Application, Pub. No.: US 2004/0218585 A1).

6. In regards to claims 1, 17, 27, 29, 45, 46, 48, and 49, Huang discloses a method, apparatus, and computer-readable medium for screening a call (See pg. 1, paragraph [0001]), comprising: receiving information (e.g., calling party's name and/or telephone number) pertaining to a call to a user (See Fig. 1 and user's computer 138) from a calling party (See Fig. 1 and calling party 102); determining whether a real-time call management function (See Fig. 1 and Call Alerting and Control System [CACS] 101/Client System 110) is enabled for the user (for example, a determination is made

on whether or not the Client System 110 is registered or whether or not the user is connected to the Internet [e.g., on-line]) (See pg. 2, paragraph [0032]; pg. 2, paragraph [0034]; and pg. 2, paragraph [0036]); determining whether a calling party number associated with the calling party is valid (e.g., determining whether or not the calling party is on the blacklist or white list) following a determination that the real-time call management function is not enabled, wherein a call screening function is performed when the calling party number is determined to be invalid (See pg. 4, paragraph [0057] – [0058]); providing a notification (e.g., alert) of the call to a device (See Fig. 1 and user's computer 138) associated with the user following a determination that the real-time call management function is enabled, the notification including a user-selectable call screening option (See pg. 1, paragraph [0008]; pg. 3, paragraph [0047]; and pg. 5, paragraph [0061]); and initiating the call screening function when the user selects the call screening option (See pg. 5, paragraph [0063]).

7. In regards to claims 2, 18, and 30, Huang discloses the method, apparatus, and computer-readable medium, comprising: accepting the call for the device based on a determination (for example, the determination may be made via the white list, the calling party's name, or whether the calling party enters a pass code) that the calling party number is valid (See pg. 3-4, paragraph [0050] and pg. 4-5, paragraph [0059] – [0060]).

8. In regards to claims 3, 19, and 31, Huang discloses the method, apparatus, and computer-readable medium, comprising: determining whether a calling party number associated with the calling party is valid based on a determination that the user has not responded to the notification after a predetermined period of time, wherein a call

screening function is performed when the calling party number is invalid (See pg. 3, paragraph [0047] and pg. 5, paragraph [0064]).

9. In regards to claims 4, 11, 20, 32, and 39, Huang discloses the method, apparatus, and computer-readable medium, wherein the call screening function comprises: playing an announcement to the calling party (See pg. 3, paragraph [0048]; pg. 3-4, paragraph [0050]; and pg. 4, paragraph [0053]).

10. In regards to claims 5, 12, 21, 33, and 40, Huang discloses the method, apparatus, and computer-readable medium, wherein playing an announcement comprises playing a Special Instruction Tone (SIT) cadence and prompting the calling party to record a name or enter an override code (e.g., pass code) (See pg. 3, paragraph [0049] and pg. 4-5, paragraph [0060]).

11. In regards to claims 6, 13, 22, 34, and 41, Huang discloses the method, apparatus, and computer-readable medium, wherein the call screening function further comprises: routing the call to the device associated with the user based on a determination that the calling party entered a valid override code (e.g., pass code) (See pg. 4-5, paragraph [0060]).

12. In regards to claims 7, 14, 23, 35, and 42, Huang discloses the method, apparatus, and computer-readable medium, wherein the call screening function further comprises: ending the call based on the determination that the calling party does not record a name and does not enter a valid override code (See pg. 4, paragraph [0052] and pg. 5, paragraph [0063]).

13. In regards to claims 8, 15, 24, 36, and 43, Huang discloses the method,

apparatus, and computer-readable medium, wherein the call screening function further comprises: placing a second call to the user at the device and playing a recording of the calling party when the calling party records a name (See pg. 3, paragraph [0046] and pg. 5, paragraph [0062]).

14. In regard to claims 9, 16, 25, 37, and 44, Huang discloses the method, apparatus, and computer-readable medium, wherein the call screening function further comprises: disposing of the call to the user from the calling party based on a response to the second call by the user (See pg. 4, paragraph [0052] and pg. 5, paragraph [0063]).

15. In regards to claims 10, 26, 28, and 38, Huang discloses all of claims 10, 26, 28, and 38 limitations, including retrieving data corresponding to the user (for example, the data may be whether or not the user is connected to the Internet) using the information pertaining to the call and selecting a device (e.g., user's computer 138) associated with the user to receive a notification of the call based on the retrieved data (See pg. 5, paragraph [0063]).

16. In regards to claim 47, Huang discloses a system for screening a call (See pg. 1, paragraph [0001]), comprising: a voice network (See Fig. 1 and telephone network 108); a data network (See Fig. 1 and Internet 104); a plurality of devices (See Fig. 1, user's telephone 140, and user's computer 138) associated with a user; and a service center (See Fig. 1 and Gateway System 106) operable to: receive information (e.g., calling party's name and/or telephone number) pertaining to a call to a user (See Fig. 1 and user's computer 138) from a calling party (See Fig. 1 and calling party 102) (See pg. 2,

paragraph [0040]); determine whether a real-time call management function (See Fig. 1 and Call Alerting and Control System [CACS] 101/Client System 110) is enabled for the user (for example, a determination is made on whether or not the Client System 110 is registered or whether or not the user is connected to the Internet [e.g., on-line]) (See pg. 2, paragraph [0032]; pg. 2, paragraph [0034]; and pg. 2, paragraph [0036]); determine whether a calling party number associated with the calling party is valid (e.g., determining whether or not the calling party is on the blacklist or white list) following a determination that the real-time call management function is not enabled, wherein a call screening function is performed when the calling party number is determined to be invalid (pg. 4, paragraph [0057] – [0058]); provide a notification (e.g., alert) of the call to one of the plurality of devices (See Fig. 1 and user's computer 138) associated with the user via the data network following a determination that the real-time call management function is enabled, the notification including a user-selectable call screening option (See pg. 1, paragraph [0008]; pg. 3, paragraph [0047]; and pg. 5, paragraph [0061]); and initiate the call screening function when the user selects the call screening option (See pg. 5, paragraph [0063]).

### ***Response to Arguments***

17. Applicant's arguments with respect to claims 1-49 have been considered but are moot in view of the new ground(s) of rejection.



**Conclusion**

18. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Creswell et al. (US 5,222,125) teach a system for providing personalized telephone calling features. Huang (US 6,693,897) teaches a method and system of screening and control of telephone calls while using a packet-switched data network. Petty et al. (US Patent Application, Pub. No.: US 2003/0108172 A1) teach Internet call waiting with voicemail system that provides monitoring during recording.

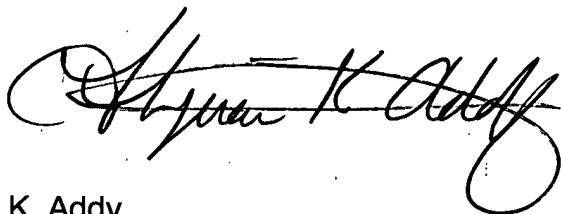
19. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thjuan K. Addy whose telephone number is (571) 272-7486. The examiner can normally be reached on Mon-Fri 8:30-5:00pm.

20. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ahmad Matar can be reached on (571) 272-7488. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

21. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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A handwritten signature in black ink, appearing to read "Thjuan K. Addy". The signature is stylized with a large, looping initial "T" and a long, sweeping underline.

Thjuan K. Addy  
Patent Examiner  
AU 2614